

**MINUTES OF THE CITY COUNCIL REGULAR MEETING HELD APRIL 20, 2009, AT 7:00 P.M. IN THE BPS ADMINISTRATION MEETING ROOM, 320 NORTH 5<sup>TH</sup> STREET.**

**1 – Roll Call:** Present: Mayor Schuster, Councilmembers Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Absent: Councilmember Carey

Mayor Schuster read a Proclamation proclaiming April 24, 2009 as Arbor Day

Mayor Schuster read a Proclamation proclaiming April 26 through May 2, 2009 as National Crime Victims' Rights Week. Kerri McGrury, Gage County Victim Assistance Coordinator, was present to receive the proclamation and invited everyone to an Open House on April 29<sup>th</sup> at 7:30 a.m. at the Beatrice Police Department.

Mayor Schuster announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

**2 – Consent Agenda**

- a. Approve agenda as submitted.
- b. Receive and place on file all notices pertaining to this meeting.
- c. Receive and place on file all materials having any bearing on this meeting.
- d. Approval of minutes of April 6, 2009 as on file in the City Clerk's Office.
- e. Approval of Treasurer's Report of Claims in the amount of \$427,485.13.
- f. Approval of BASWA Report of Claims in the amount of \$56,001.23.
- g. Approval of plans, specifications and advertisement for bids for Mill & Overlay Project #09-487.
- h. Resolution Number 5110 approving Interlocal Agreement with Gage County for Juvenile Assistance Grant Program Recovery Act funding to be utilized for operations of the SEADE Task Force.
- i. Resolution Number 5111 approving License Agreement with Farmers Cooperative for ingress and egress rights on property located along Homestead Trail in Pickrell.
- j. Resolution Number 5112 re-appointing Robert Moran to the Beatrice Board of Public Works
- k. Resolution Number 5113 appointing Halden Brown, Tom Shirk, Blake Meints, and John Riha to the Board of Adjustment.
- l. Resolution Number 5114 amending the City General Government retirement plan vesting schedule.

Moved by Fairbanks, seconded by Schmale, that the items listed under the consent agenda be approved, accepted and/or ratified as presented.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

**3 – Public Hearings/Bids: None.**

**a. Hearings:**

- (1) **Amend Zoning Ordinance from the present zoning of "RC" Residential-Commercial to "GC" General Commercial District for the following properties all in Riverside Park Addition: Lot 9, Block 12 (1122 S 6<sup>th</sup>); S ½ Lot 5, Lots 6, 7, and 8, Block 12 (1118 S 6<sup>th</sup>); Lot 4, N ½ Lot 5, Block 12 (1114 S 6<sup>th</sup>); W ½ Lots 1-3, Block 12 (601 Grable); E ½ Lots 1-3, Block 12 (603 Grable); Lots 7 and 8, Block 13 (1222 S 6<sup>th</sup>); S ½ Lot 5, Lot 6, Block 13 (1216 S 6<sup>th</sup>); Lot 4, N ½ Lot 5, Block 13 (1212 S 6<sup>th</sup>); S ½ Lot 2, Lot 3, Block 13 (1206 S 6<sup>th</sup>); Lot 1, N ½ Lot 2, Block 13 (1200 S 6<sup>th</sup>)**  
**Ordinance submitted-item 5(a).**

Mayor Schuster announced that a public hearing be held regarding amending the Zoning Ordinance from the present zoning of "RC" Residential-Commercial to "GC" General Commercial District for the following properties all in Riverside Park Addition: Lot 9, Block 12 (1122 S 6<sup>th</sup>); S ½ Lot 5, Lots 6, 7, and 8, Block 12 (1118 S 6<sup>th</sup>); Lot 4, N ½ Lot 5, Block 12 (1114 S 6<sup>th</sup>); W ½ Lots 1-3, Block 12 (601 Grable); E ½ Lots 1-3, Block 12 (603 Grable); Lots 7 and 8, Block 13 (1222 S 6<sup>th</sup>); S ½ Lot 5, Lot 6, Block 13 (1216 S 6<sup>th</sup>); Lot 4, N ½ Lot 5, Block 13 (1212 S 6<sup>th</sup>); S ½ Lot 2, Lot 3, Block 13 (1206 S 6<sup>th</sup>); Lot 1, N ½ Lot 2, Block 13 (1200 S 6<sup>th</sup>); S

½ Lot 5, Lot 6, Block 13 (1216 S 6<sup>th</sup>); Lot 4, N ½ Lot 5, Block 13 (1212 S 6<sup>th</sup>); S ½ Lot 2, Lot 3, Block 13 (1206 S 6<sup>th</sup>); Lot 1, N ½ Lot 2, Block 13 (1200 S 6<sup>th</sup>).

Stan Wirth, Planning & Zoning Chairperson, appeared and stated the P & Z recommended rezoning these properties from RC to GC which will allow businesses commercial in nature. Only two property owners had questions at the P & Z meeting, there were no objections.

Moved by Fairbanks, seconded by Fetty, that the public hearing be closed at 7:12 p.m.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

**b. Bids**

**(1) Receive bids for one Transfer Ambulance**

Mayor Schuster asked if there were any other bids to be received for one Transfer Ambulance.

Moved by Fairbanks, seconded by Schmale, that the bidding be closed at 7:13 p.m. and the bids be opened and read aloud.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

City Administrator Neal Niedfeldt opened the bids and read the same aloud:

<b>Company</b>	<b>Bid Amount</b>	<b>Year/Make/Model</b>	<b>Bid Security</b>
Conrad Fire Equipment	\$129,925	2009 Chevy G3500	5% bid bond
Conrad Fire Equipment	\$140,409	2009 Chevy G4500	5% bid bond
Fireguard	\$112,394	GM/Osage	5% bid bond
Fireguard	\$119,705	GM/Braun	5% bid bond

Moved by Fairbanks, seconded by Lytle, that the bids be referred to the Fire Chief and City Administrator for review and recommendation at the next regular council meeting on May 4<sup>th</sup>.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

**4 – Resolutions:**

**a. Amending the Contract for Sale of Real Estate with Custom Fixtures, Inc. altering the closing date to July 1, 2009.**

Mayor Schuster introduced Resolution Number 5115 amending the Contract for Sale of Real Estate with Custom Fixtures, Inc. altering the closing date to July 1, 2009.

Moved by Fairbanks, seconded by Schmale, that Resolution Number 5115 be passed and adopted.

City Attorney Tobias Tempelmeyer explained that the addendum extends the closing date due to detection of chemicals on the property, the closing is delayed until a determination is received from the Nebraska Dept. of Environmental Quality.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Resolution Number 5115 has been passed and adopted.

**b. Entering into Loan Agreement with Blue Valley Automation for CDBG reuse funding.**

Mayor Schuster introduced Resolution Number 5116 entering into Loan Agreement with Blue Valley Automation for CDBG reuse funding.

Moved Fairbanks, seconded by Schmale, that Resolution Number 5116 be passed and adopted.

Brent Payne and Rick Dorn of Blue Valley Automation were present to answer questions regarding the company's future plans. City Administrator Neal Niedfeldt explained that the original application approved a year ago had not been executed with the State and that now the City's Reuse Fund had sufficient funds available so the City is the responsible party for entering into the agreement. The loan agreement will be for a \$300,000 line of credit to be drawn down for personnel costs. If conditions are met within the agreement one-half of the loan will be repaid at a 2% interest rate and one-half of the loan will be forgivable.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Resolution Number 5116 has been passed and adopted.

**5 – Ordinances:**

**a. Amend Zoning Ordinance from the present zoning of RC to GC for various properties in Riverside Park Addn.**

Mayor Schuster introduced an ordinance amending the Zoning Ordinance from the present zoning of "RC" Residential-Commercial to "GC" General Commercial District for the following properties all in Riverside Park Addition: Lot 9, Block 12 (1122 S 6<sup>th</sup>); S ½ Lot 5, Lots 6, 7, and 8, Block 12 (1118 S 6<sup>th</sup>); Lot 4, N ½ Lot 5, Block 12 (1114 S 6<sup>th</sup>); W ½ Lots 1-3, Block 12 (601 Grable); E ½ Lots 1-3, Block 12 (603 Grable); Lots 7 and 8, Block 13 (1222 S 6<sup>th</sup>); S ½ Lot 5, Lot 6, Block 13 (1216 S 6<sup>th</sup>); Lot 4, N ½ Lot 5, Block 13 (1212 S 6<sup>th</sup>); S ½ Lot 2, Lot 3, Block 13 (1206 S 6<sup>th</sup>); Lot 1, N ½ Lot 2, Block 13 (1200 S 6<sup>th</sup>).

Moved by Fairbanks, seconded by Moore, that said ordinance be given Number 09-019, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 09-019 by number only the first, second and third time.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-019 be passed and approved.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Ordinance Number 09-019 has been passed and approved.

**b. Ordinance Number 09-008, read twice by title, annexing property known as Wildwood Estates located at South 19<sup>th</sup> and Oak Streets.**

Mayor Schuster announced further consideration of Ordinance Number 09-008 annexing a tract of land in the NE1/4 Section 10, Township 3 North, Range 6 East of the 6<sup>th</sup> P.M., known as Wildwood Estates located at South 19<sup>th</sup> & Oak Streets which has been read twice by title.

Moved by Fairbanks, seconded by Moore, that Ordinance Number 09-008, the title thereof be approved and said ordinance be read by title only the third and final time tonight.

Roll Call:        Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
                      Nay: None

Motion carried.

Mayor Schuster read Ordinance 09-008 by title the third time.

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 09-008 be passed and approved.

Roll Call:        Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
                      Nay: None

Motion carried.

Ordinance Number 09-008 has been passed and approved.

**c. Ordinance Number 09-009, read twice by title, annexing property known as Kuhl's Addition located at Highway 136 and 33<sup>rd</sup> Street.**

Mayor Schuster announced further consideration Ordinance Number 09-009 annexing a tract of land in the NW1/4 Section 1, Township 3 North, Range 6 East of the 6<sup>th</sup> P.M., known as Kuhl's Addition located at Highway 136 and 33<sup>rd</sup> Street, which has been read twice by title.

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 09-009, the title thereof be approved and said ordinance be read by title only the third and final time tonight.

Roll Call:        Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
                      Nay: None

Motion carried.

Mayor Schuster read Ordinance 09-009 by title the third time.

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 09-009 be passed and approved.

Roll Call:        Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
                      Nay: None

Motion carried.

Ordinance Number 09-009 has been passed and approved.

**d. Ordinance Number 09-010, read twice by title, annexing property known as Tyser Addition located at along Beaver Ave, north of CC Estates**

Mayor Schuster announced further consideration Ordinance Number 09-010 annexing a tract of land in the SE1/4 Section 3, Township 3 North, Range 6 East of the 6<sup>th</sup> P.M, known as Tyser Addition, located along Beaver Ave., north of Country Club Estates, which has been read twice by title.

Moved by Fairbanks, seconded by Moore, that Ordinance Number 09-010, the title thereof be approved and said ordinance be read by title only the third and final time tonight.

Roll Call:        Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale

Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 09-010 by title the third time.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-010 be passed and approved.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Ordinance Number 09-010 has been passed and approved.

**e. Ordinance Number 09-011, read twice by title, annexing property known as Sunridge Development 2<sup>nd</sup> Addition located at 26<sup>th</sup> and Hoyt Streets.**

Mayor Schuster announced further consideration Ordinance Number 09-011 annexing a tract of land in the NE1/4 and NW1/4 Section 35, Township 4 North, Range 6 East of the 6<sup>th</sup> P.M., known as Sunridge Development 2<sup>nd</sup> Addition, located at 26<sup>th</sup> & Hoyt Streets, which has been read twice by title.

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 09-011, the title thereof be approved and said ordinance be read by title only the third and final time tonight.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 09-011 by title the third time.

Moved by Fairbanks, seconded by Fetty, that Ordinance Number 09-011 be passed and approved.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Ordinance Number 09-011 has been passed and approved.

**f. Ordinance Number 09-012, read twice by title, annexing property known as Covered Bridge Heights located at 25<sup>th</sup> and Scott Streets.**

Mayor Schuster announced further consideration Ordinance Number 09-012 annexing a tract of land in the NE1/4 and NW1/4 Section 2, Township 3 North, Range 6 East of the 6<sup>th</sup> P.M., known as Covered Bridge Heights Addition, located at 25<sup>th</sup> & Scott Streets, which has been read twice by title.

Moved by Fairbanks, seconded by Schmale, that Ordinance Number 09-012, the title thereof be approved and said ordinance be read by title only the third and final time tonight.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Mayor Schuster read Ordinance Number 09-012 by title the third time.

Moved by Fairbanks, seconded by Moore, that Ordinance Number 09-012 be passed and approved.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Ordinance Number 09-012 has been passed and approved.

**g. Ordinance Number 09-017, amending Section 17-111 of the Beatrice City Code regarding concealed weapons, read by number one time.**

Mayor Schuster announced further consideration of Ordinance 09-017 amending Section 17-111 of the Beatrice City Code regarding concealed weapons, which has been read once by number.

Moved by Fairbanks, seconded by Moore, that Ordinance Number 09-017, the title thereof be approved and the rules be suspended and said ordinance be read by number only the 2<sup>nd</sup> and 3<sup>rd</sup> times tonight.

Mayor Schuster explained that this will amend the City Code to reflect state statutes which allows carrying permitted licensed concealed weapons.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Mayor Schuster reads Ordinance Number 09-017 by number only the second and third time.

Moved by Fairbanks, seconded by Moore, that Ordinance Number 09-017 be passed and approved.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Lytle, Moore, Parde, Schmale  
Nay: None

Motion carried.

Ordinance Number 09-017 has been passed and approved.

**h. Amending 17-113 of the Beatrice City Code regarding setting traps or snares.**

Mayor Schuster introduces an ordinance amending 17-113 of the Beatrice City Code regarding setting traps or snares.

Moved by Fairbanks, seconded by Lytle, that said ordinance be given Number 09-020, the title thereof be approved and the rules be suspended and said ordinance be read by number only three times tonight.

City Attorney Tempelmeyer explained that this will make it legal for the Animal Control Officer and law enforcement personnel to trap animals, currently this is not allowed. Discussion was held regarding the problem with nuisance animals, feral cats. Gina Grone, 918 Bell, Humane Society Executive Director, explained they recognize the problem and have an interest in working with the City on a trap and release program.

Moved by Catlin, seconded by Fetty, to amend the original motion to read Ordinance Number 09-020, by number only two times tonight.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Moore, Parde  
Nay: Lytle, Schmale

Motion carried.

Vote on original motion as amended to read by number only two times tonight.

Roll Call: Yea: Catlin, Fairbanks, Fetty, Moore, Parde, Lytle  
Nay: Schmale

Motion carried.

Mayor Schuster read Ordinance Number 09-020 by number only the first and second time.

## **6– Public Forum:**

Tara Kuipers, 909 Market, Director of Gage Co. MAPS Coalition, appeared to introduce herself and her program as a resource to address community alcohol related issues. Gage County rates 7.26 as compared to a state-wide rate of 3.7 in alcohol-related crashes. She applauded the Beatrice Police department for responding to increased calls for service from community members through an 800 number.

## **7- Discussions/Reports:**

### **a. Report on Economic Stimulus by Lash Chaffin from the League of Nebr. Municipalities.**

Lash Chaffin from the League of Nebr. Municipalities explained the process the committee went through to determine which communities' projects would receive economic stimulus funding and that priority was given to economically distressed and preference to shovel readiness projects as provided in the law. While Beatrice's paperwork was outstanding, no projects made the priority list.

### **b. Discussion on entering into agreement with Gage County for merger of County Sheriff and Beatrice Police departments.**

Subcommittee B brought forward discussion on the possibility of merging the County Sheriff and Beatrice Police departments to see if there was enough interest to seriously pursue discussions with the County. Discussion followed, deciding to wait and see what position the County took at their next board meeting.

### **c. Monthly City Administrator's Report**

City Administrator Niedfeldt brought the Council's attention to the monthly report provided to them in the packet. Councilmembers expressed appreciation for the report.

## **8- Miscellaneous:**

- a. Next regular council meeting is May 4, 2009, at 7:00 p.m.
- b. Subcommittee meetings are April 27, 2009 with B @ 6:00 and A @ 7:30 in the Beatrice Library Sargent Room

Moved by Fairbanks, seconded by Schmale, that the meeting be adjourned at 9:24 p.m.

Roll Call:        Yea: Catlin, Fetty, Moore, Parde, Schmale  
                      Nay: Fairbanks, Lytle

Motion carried.

**Linda S. Koch, City Clerk**

**Mayor Dennis Schuster**